

Appl. No. 10/024,959
Amdt. dated June 13, 2003
Reply to Office Action of March 13, 2003

PATENT

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on March 13, 2003.

In this Amendment, claims 2 and 20 are canceled, claims 1, 7, 12, 15, and 16 are amended, and claims 21-25 are added so that claims 1, 3-19, and 21-25 are pending and subject to examination.

Claim 1 is amended to incorporate the limitation in dependent claim 2 so that amended independent 1 is the same as canceled dependent claim 2. Claim 16 is amended to incorporate the limitation in independent claim 20 so that amended independent claim 16 is the same as canceled dependent claim 20. Accordingly, the amendments to independent claims 1 and 16 do not raise new issues requiring further search and/or consideration on the part of the Examiner as independent claims 1 and 16 are the same as previously searched and considered dependent claims 2 and 20.

Support for new claims 21-25 can be found throughout the specification, drawings, and claims as originally filed. For example, support can be found at, for example: 21-22(p. 12, l. 12-16; p. 12, line 26 to p. 14, l. 5); 23(p. 14, l. 24-29); 24(Fig. 5 and p. 14, l. 18-23); and 25(original dependent claim 2).

At page 2 of the Office Action, the Examiner objects to the specification and claim 7. In response, the specification and claim 7 are amended to address the objections made by the Examiner. Withdrawal of the objection to the specification and the objection to the form of claim 7 is requested.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Comisar et al. This rejection is traversed. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Comisar et al. fails to anticipate the pending claims, because Comisar et al. fails describe each and every element of the pending claims.

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Independent claims 1 and 16

The anticipation rejection as to claims 1, and 3-19 is improper, because Comisar et al. fails to describe each and every element of independent claims 1 and 16. For example, Comisar et al. fails to teach (or suggest) a voting apparatus including an "information storage medium" for storing a selection, wherein the information storage medium is in the form of a "cartridge" (as recited in independent claims 1 and 16). As explained in the specification, it is advantageous to use a transferable information storage medium such as a data cartridge to store a voter's selection. For example, a data cartridge can (i) act as a "key" to provide voting access for a voter (p. 17, l. 13-15); (ii) allow for the transfer of a selection to a separate module operated by a precinct worker (p. 18, l. 1-5); and (iii) allow for the storage of vote totals in case re-counts need to be verified (p. 18, l. 24 to p. 19, l. 2).

Comisar et al. fails to mention or suggest the use of a data cartridge for storing a selection, or the particular advantages associated with using a data cartridge to store a selection. Although the Office Action alleges that dependent claims 2 and 20 (now independent claims 1 and 16) were "anticipated" by Comisar et al., the word "cartridge" is not mentioned in the anticipation rejection, and the Office Action fails to state where Comisar et al. teaches storing a selection on a "cartridge". The anticipation rejection should be withdrawn for this reason alone.

There is clearly no teaching or suggestion in Comisar et al. to store a selection on a data cartridge. First, Applicants have reviewed Comisar et al. in detail and note that the word "cartridge" is not anywhere in it. Second, Comisar et al. explicitly describes the use of hard-wired data lines to transmit information, and not separate data cartridges. For example, in FIG. 1 of Comisar et al., a voter's selection is transmitted to a local control processor via data paths 23 and 18, and is then transmitted to a central computer via a telephone line. As shown in FIG. 2 of Comisar et al., the data path 23 is a cable. Since there is no teaching (or suggestion) in Comisar et al. to use a cartridge to store a voter's selection, Comisar et al. fails to anticipate independent claims 1 and 16 (and also dependent claims 3-15 and 17-19).

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Independent claim 21

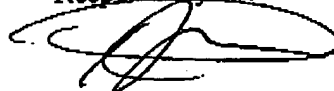
Claims 21-25 are not anticipated by Comisar et al. Comisar et al. fails to teach (or suggest) a voting apparatus comprising, *inter alia*, an electronic position determining system including a processor, "a first antenna" under the surface of a print media receiving unit and electrically coupled to the processor, and "a second antenna" in a stylus and electrically coupled to the print media receiving unit via an electrical cable as recited in independent claim 21.

Comisar et al. fails to mention "antennas" at all. Comisar et al. describes an electrical sensor matrix having a plurality of electrical contacts. The plurality of electrical contacts includes row contact strips and column contact strips. A stylus is inserted through perforations in the contact strips to make electrical contact with one row strip and one column strip, and to simultaneously punch a ballot card (see, c. 2, l. 50-60). Also, as shown in FIG. 2 of Comisar et al., the stylus 34 is coupled to a flat base 30 with a chain. The stylus 34 does not have an antenna and is not coupled to the flat base 30 with an electrical cable. Comisar et al.'s row and column contact strips are not "antennas", since the stylus 34 must physically contact them during operation. Accordingly, Comisar et al. fails to teach (or suggest) independent claim 21 (and dependent claims 22-25).

CONCLUSION

Applicants believe all claims are in condition for allowance. The Examiner is requested to call the undersigned if a teleconference would expedite the prosecution.

Respectfully submitted,



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